

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
LAREDO DIVISION

United States District Court
Southern District of Texas
FILED
JUN 6 2007
Michael N. Milby, Clerk
Laredo Division

UNITED STATES OF AMERICA

vs.

MANUEL "MEME" MARTINEZ
JOSE ALBERTO AMARO
and
RUBEN ELIZONDO

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§
§

Criminal No. L-07-

UNDER SEAL

L-07-826

INDICTMENT

THE GRAND JURY CHARGES THAT:

INTRODUCTION

At all times material to this Indictment:

1. The South Texas Violent Crime Task Force (formerly known as the Laredo Multi-Agency Narcotics Task Force) (hereinafter the "Task Force") is a regional law enforcement agency empowered to enforce the laws of the State of Texas and, specifically, to investigate the illegal trafficking of controlled substances in Webb County, Texas, and Zapata County, Texas. The Task Force is composed of representatives from the Webb County District Attorney's Office, Webb County Sheriff's Department, the Zapata County Attorney's Office, and the Zapata County Sheriff's Department.

2. **MANUEL "MEME" MARTINEZ ("MARTINEZ")**, defendant

herein, was a sworn peace officer licensed by the Texas Commission on Law Enforcement Standards and commissioned as a Sheriff's Deputy by the Zapata County Sheriff's Office. As a certified peace officer, **MARTINEZ** was sworn to uphold the Constitution and laws of Texas and the United States. In 2006, **MARTINEZ** was elected Justice of the Peace for Zapata County. He assumed office in January 2007.

3. **JOSE ALBERTO AMARO ("AMARO")**, defendant herein, was previously employed with the Zapata County Sheriff's Department. **AMARO** is currently employed with the Zapata County Attorney's Office as an investigator assigned to the Task Force. As a member of the Task Force, **AMARO** participated in the investigation of narcotics-related crimes, enforcing laws, collecting and preserving evidence, inventorying property that was seized, recovered, found, or otherwise taken into custody, interviewing witnesses, making lawful arrests, patrolling neighborhoods and making various truthful and accurate reports of his official activities. As a certified peace officer, **AMARO** is sworn to uphold the Constitution and laws of Texas and the United States.

4. **RUBEN ELIZONDO ("ELIZONDO")**, defendant herein, is a Zapata County employee. **ELIZONDO** has been a code enforcement officer for Zapata County for several years.

COUNT ONE
Conspiracy to Interfere With Commerce Under Color of Official Right
18 U.S.C. § 1951 & 2

A. Introduction

5. The Grand Jury adopts, realleges and incorporates herein the Introduction Section of this Indictment.

B. The Conspiracy

6. From on or about June, 2006, up to and including November 9, 2006, in the Southern District of Texas and elsewhere within the jurisdiction of the Court,

**MANUEL “MEME” MARTINEZ,
JOSE ALBERTO AMARO,
and
RUBEN ELIZONDO,**

defendants herein, did knowingly and intentionally combine, conspire, confederate and agree with each other, and with other persons known and unknown to the Grand Jury, to knowingly and unlawfully obstruct, delay and affect interstate commerce by means of extortion, in that **MARTINEZ, AMARO, and ELIZONDO** unlawfully obtained, under color of official right, United States currency not due them or **MARTINEZ’** or **AMARO’s** offices from persons **MARTINEZ, AMARO, and ELIZONDO** believed to be engaged in criminal conduct, including illegal drug trafficking, with such persons’ consent and in

exchange for the performance and non-performance of official acts by **MARTINEZ** and **AMARO**, namely, insuring the undetected passage of the purported drug traffickers and the unlawful transportation of their drug shipments through Zapata County by, among other things, not arresting or causing the arrest of the drug traffickers, and not seizing their shipments of marijuana, in violation of Title 18, United States Code, Section 1951 and 2.

C. Manner and Means of The Conspiracy

7. It was a part of the conspiracy that **MARTINEZ** and **AMARO** did agree to use **MARTINEZ**' official position and authority as a Deputy Sheriff and **AMARO**'s official position and authority as a member of the Task Force to assist persons they believed to be illegal drug traffickers from the United States (hereinafter referred to as the "Drug Traffickers" or, in the case of a single representative of the group, "Drug Trafficker") in transporting marijuana through Zapata County, Texas.

8. It was a further part of the conspiracy that **MARTINEZ** and **AMARO** did disclose sensitive law enforcement information to the Drug Traffickers regarding the operational planning, time frames, and details of task force operations.

9. It was a further part of the conspiracy that **MARTINEZ** and

AMARO did agree to use **MARTINEZ**' official position and authority as a Deputy Sheriff and **AMARO**'s official position and authority as a member of the Task Force to inform the Drug Traffickers when to proceed with their drug loads in order to avoid Task Force officers and Sheriff's Deputies.

10. It was a further part of the conspiracy that **MARTINEZ** and **AMARO** did purposely fail to investigate and arrest the Drug Traffickers.

11. It was a further part of the conspiracy that **MARTINEZ** and **AMARO** did purposely fail to seize purported illegal drugs and the proceeds from the sale of such drugs from the Drug Traffickers.

12. It was a further part of the conspiracy that **MARTINEZ** and **AMARO** communicated with the Drug Traffickers, including disclosing sensitive law enforcement information to the Drug Traffickers and obtaining payment from the Drug Traffickers in exchange for **MARTINEZ**' and **AMARO**'s agreement to use the powers of their offices to protect, assist, and otherwise not interfere with such persons in their criminal conduct.

13. It was a further part of the conspiracy that **MARTINEZ**, **AMARO**, and **ELIZONDO** did convert to their own use or the use of another the money and other property obtained from the Drug Traffickers.

14. It was a further part of the conspiracy that **MARTINEZ** recruited

ELIZONDO to assist with the smuggling operation by providing counter-surveillance.

15. It was a further part of the conspiracy that **ELIZONDO** provided counter-surveillance information to **MARTINEZ**.

16. It was a further part of the conspiracy that **AMARO** provided counter-surveillance information to **MARTINEZ**.

17. It was a further part of the conspiracy that **MARTINEZ** and **AMARO** did misrepresent, conceal and hide, and cause to be misrepresented, concealed and hidden, the purpose and acts done in furtherance of the conspiracy, including using coded language. Examples include the following: "Freon" and "Parrot."

D. Overt Acts

18. In furtherance of the conspiracy described and to effect the objects thereof, the defendants performed or caused the performance of the following Overt Acts, among others not described herein, in the Southern District of Texas:

(1) From on or about September 2005, to May 2006, the source paid **MARTINEZ** and **AMARO** \$5,000 for every 1,000 pounds of marijuana the source smuggled through Zapata County.

(2) From on or about September 2005, to May 2006, the source

paid **MARTINEZ** and **AMARO** approximately four times, and **MARTINEZ** was responsible for paying **AMARO** his share of the bribe money.

(3) On or about June 7, 2006, **MARTINEZ** asked the source where the 1,000 pounds of marijuana would be crossing the Rio Grande River from Mexico.

(4) On or about June 7, 2006, the source asked **MARTINEZ** whether **AMARO** was ready to assist with the drug load, to which **MARTINEZ** replied "that guy Joe is ready for the deal."

(5) On or about June 7, 2006, **MARTINEZ** called and asked for **AMARO**'s phone number.

(6) On or about June 7, 2006, **MARTINEZ** called **AMARO**, and using code, asked if he would be in town next week because he needed help, specifically stating, "forming of a floor that I'm going to fix at the house."

(7) On or about June 7, 2006, after speaking to **AMARO**, **MARTINEZ** told the source "this guy is ready . . . he doesn't give up on anything."

(8) On or about June 7, 2006, **MARTINEZ** indicated that **AMARO** said "just be careful . . . with the telephones."

(9) On or about June 7, 2006, the source informed **MARTINEZ**

there may be two loads, one after another, to which **MARTINEZ** responded “shit, that’s good.”

(10) On or about June 7, 2006, **MARTINEZ** warned the source “if we tell you, you know what, don’t take off. The deal stops there, dude.”

(11) From on or about June 7, 2006, to June 22, 2006, the source received a series of phone calls from **MARTINEZ**, including one where **MARTINEZ** asked the source if he could receive payment prior to the load being transported because he needed the money.

(12) On or about June 22, 2006, the source called **MARTINEZ** to discuss payment and the upcoming drug load.

(13) On or about June 22, 2006, the source informed **MARTINEZ** that a load of narcotics would probably be coming in during the week of the July 4th holiday, to which **MARTINEZ** replied that would not be a problem.

(14) On or about June 22, 2006, **MARTINEZ** told the source he wanted half of the money on the day the load is transported, prior to the load going through, and “when the deal is done, after everything turns out alright, the other half.”

(15) On or about July 3, 2006, after speaking to the source about the drug load arriving the night of July 5, 2006, **MARTINEZ** agreed to the date and

told the source that he would contact **AMARO**.

(16) On July 3, 2006, **MARTINEZ** told the source that **AMARO** would be in the area where the drugs would be smuggled to assure the safety of the drugs, stating "he's going to be there . . . he is supposed to drive by once or twice."

(17) On July 3, 2006, **MARTINEZ** requested the payment be made early on the day of the operation so that "I can give it to these dudes in the morning and tell them, look, let's go check out this thing in the morning and shit."

(18) On or about July 4, 2006, **MARTINEZ** informed the source that the Task Force would be conducting an operation the night of July 5, 2006, and it would make smuggling drugs very dangerous.

(19) On or about July 4, 2006, **MARTINEZ** said not to do the smuggling operation on July 5, 2006, and inquired whether the drugs could be smuggled on July 4th or an alternative date.

(20) On or about July 4, 2006, **MARTINEZ** called **AMARO** and then informed the source that July 5, 2006, would be fine if the load came prior to 5:00 p.m. because the law enforcement operation would begin at 7:00 p.m.

(21) On or about July 5, 2006, at approximately 3:45 p.m., after the source told **MARTINEZ** that the drug load crossed from Mexico into Zapata County, **MARTINEZ** entered the source's vehicle at Dr. Ike's Hardware Store in

Zapata County, and they drove off to wait for the load vehicle.

(22) On or about July 5, 2006, upon arriving at the location along the load route, the source paid **MARTINEZ** \$2,500 in bribe money.

(23) On or about July 5, 2006, **MARTINEZ** contacted **AMARO** and asked if everything looked safe in the area, and then informed the source that there was a Border Patrol vehicle in the area, but it did not appear to be heading towards the location of the drug load.

(24) On or about July 5, 2006, at approximately 4:30 p.m., the load vehicle drove past the source's vehicle.

(25) On or about July 5, 2006, the source and **MARTINEZ** followed the load vehicle to the vicinity of a drug a "stash house" in Zapata County.

(26) On or about July 5, 2006, the marijuana was plainly visible in the load vehicle and **MARTINEZ** stated he could not protect a load vehicle packed that way, stating "no man, not like that. Like that, if it gets taken down, it's not my fault."

(27) On or about July 5, 2006, after the load vehicle made it to the "stash house," the source and **MARTINEZ** returned to Dr. Ike's Hardware store, where the source paid **MARTINEZ** the second \$2,500 bribe payment.

(28) On or about July 14, 2006, at approximately 1:47 p.m., **MARTINEZ** met with the source in order to discuss how **MARTINEZ** would assist the source once **MARTINEZ** assumed his new position as Justice of the Peace.

(29) On or about July 14, 2006, **MARTINEZ** said once he assumes his position as judge, he would still have contact with **AMARO** on the Task Force and with others within the Zapata County Sheriff's Department.

(30) On or about July 14, 2006, **MARTINEZ** also stated he and "the others" did not want both payments on the same day as the drug delivery; instead, **MARTINEZ** requested that the source pay half of the bribe payment "two, three days before the job gets done."

(31) On or about July 14, 2006, **MARTINEZ** described how he recruited **AMARO** one day when they were working the graveyard shift together.

(32) On or about July 14, 2006, **MARTINEZ** said **AMARO** was always broke and he asked **AMARO** "are you in or not," to which **AMARO** responded "go for it."

(33) On or about July 14, 2006, **MARTINEZ** confirmed he and **AMARO** had been working together assisting drug smugglers for "a while."

(34) On or about July 14, 2006, while **MARTINEZ** and the source

were sitting in **MARTINEZ**' white Ford F-250 truck, issued to him by the Zapata County Sheriff's Department, **MARTINEZ** stated he would need to use "this one" for the upcoming drug smuggling operation because he wanted to use the police scanner located in the truck.

(35) On or about August 2, 2006, the source and **MARTINEZ** discussed another drug smuggling load involving 1,000 pounds of marijuana and **MARTINEZ** agreed the drug load could be smuggled on either August 9th or 10th.

(36) On or about August 2, 2006, **MARTINEZ** told the source that **AMARO** had just contacted him, the Task Force officers were stationary, and **AMARO** was ready to work.

(37) On or about August 2, 2006, **MARTINEZ** requested he receive the first half of the bribe payment the day before the drug smuggling operation.

(38) On or about August 2, 2006, **MARTINEZ** informed the source that the Drug Enforcement Agency had previously targeted the source.

(39) On or about August 10, 2006, the source entered **MARTINEZ**' Ford F-250 truck and **MARTINEZ** confirmed it would be safe to smuggle the drugs into Zapata County on August 11, 2006.

(40) On or about August 10, 2006, the source paid **MARTINEZ** the

first half of the bribe payment, \$2,500, stating "half I'll give it to you now.

Tomorrow, I'll give you the other half," to which **MARTINEZ** replied "it's great that way."

(41) On or about August 10, 2006, **MARTINEZ** told the source the drug smuggling operation would have to be completed earlier than planned on August 11, 2006, because of an anticipated Task Force operation scheduled to start at approximately 2:30 p.m. in Zapata.

(42) On or about August 11, 2006, at approximately 12:03 p.m., **MARTINEZ** picked up **AMARO** at the Zapata County Sheriff's Office and then returned at approximately 12:41 p.m. and dropped him off.

(43) On or about August 11, 2006, **MARTINEZ** then met the source in Zapata County after the source told **MARTINEZ** the drug load had crossed from Mexico into Zapata County.

(44) On or about August 11, 2006, the source entered **MARTINEZ**' official Ford F-250 vehicle and they waited for the load vehicle to drive by.

(45) On or about August 11, 2006, **MARTINEZ** called **AMARO** several times and informed the source that **AMARO** was in the area.

(46) On or about August 11, 2006, at approximately 1:23 p.m., agents observed a vehicle matching the description of **AMARO**'s vehicle driving

up highway 83 crossing the load route.

(47) On or about August 11, 2006, at approximately 1:30 p.m., the load vehicle drove by **MARTINEZ**' vehicle and he followed the load vehicle to the vicinity of the drug "stash house" in Zapata County.

(48) On or about August 11, 2006, after the load vehicle made it to the "stash house," the source and **MARTINEZ** returned to their initial meeting place where the source paid **MARTINEZ** the second \$2,500 bribe payment.

(49) On or about August 11, 2006, at approximately 1:52 p.m., **MARTINEZ** met **AMARO** at Hawks Landing Restaurant in Zapata County and they left the restaurant at 2:26 p.m.

(50) On or about September 28, 2006, **MARTINEZ** informed the source that **AMARO** was ready for the next drug load and would be told where to go.

(51) On or about September 28, 2006, **MARTINEZ** and the source confirmed the drug load would be 1,000 pounds.

(52) On or about September 28, 2006, **MARTINEZ** said he planned to include **ELIZONDO** in this drug smuggling operation and pay him \$500.

(53) On or about October 3, 2006, **MARTINEZ** spoke with the source and confirmed he and **AMARO** could provide security on October 6, 2006.

(54) On October 6, 2006, **MARTINEZ** learned that **AMARO** had to work and could not assist with the drug load.

(55) On or about October 7, 2006, **MARTINEZ** told the source that he was concerned the telephone might be tapped, stating “we need to avoid saying shit” over the telephone.

(56) On or about October 7, 2006, **MARTINEZ** said **AMARO** would go to the area of the drug load and drive through, but he would not follow the load.

(57) On or about October 7, 2006, **MARTINEZ** told the source that **ELIZONDO** would guard the dangerous areas during the drug load.

(58) On or about October 11, 2006, **MARTINEZ** discussed code words, for example, if **MARTINEZ** said “I was able to get the freon” it meant they were good, but if he said he could not find the freon, it meant not to go.

(59) On or about October 11, 2006, **MARTINEZ** said that **ELIZONDO** was ready to work and knew the area.

(60) On or about October 12, 2006, **MARTINEZ** told **AMARO** to patrol the area before the drug load moved through Zapata County.

(61) On or about October 12, 2006, **MARTINEZ** called **AMARO** and said, using code, “are we going to eat . . . can we eat or do we wait.”

(62) On or about October 12, 2006, **MARTINEZ** and **AMARO** tried to determine whether a Border Patrol vehicle or a DPS trooper was in the drug smuggling route.

(63) On or about October 12, 2006 the drug load went successfully through Zapata County and **MARTINEZ** received \$5,000 from the source.

(64) On or about October 26, 2006, **MARTINEZ** told the source that **ELIZONDO** would assist the next drug load for \$500.

(65) On or about October 26, 2006, **MARTINEZ** told the source that his contacts in Mexico had “better not be the f*cking FBI.”

(66) On or about November 6, 2006, **MARTINEZ** confirmed that **ELIZONDO** and **AMARO** were ready to assist with the drug load.

(67) On or about November 8, 2006, **MARTINEZ** told the source that **ELIZONDO** and **AMARO** were ready to assist with the planned drug load on November 9, 2006.

(68) On or about November 8, 2006, **MARTINEZ** assigned **ELIZONDO** the task of driving his county issued pick-up truck on highways 3074 and 496 during the drug load to insure there was no law enforcement in the area.

(69) On or about November 8, 2006, **AMARO** was also assigned to drive his county issued green Chevy Impala on highways 3074 and 496 to conduct

surveillance.

(70) On or about November 8, 2006, the source paid **MARTINEZ** \$2,500 and they agreed the second payment, including the \$500 for **ELIZONDO**, would be paid to **MARTINEZ** at the completion of the drug load.

(71) On or about November 8, 2006, **MARTINEZ** went to **AMARO**'s residence and met with **AMARO**.

(72) On or about November 9, 2006, **MARTINEZ** and the source met and conducted counter-surveillance prior to the drug load.

(73) On or about November 9, 2006, **AMARO** and **ELIZONDO** conducted counter-surveillance prior to the drug load.

(74) On or about November 9, 2006, when the load vehicle "broke down," **AMARO** proceeded to the area where the load vehicle had stopped and notified **MARTINEZ** about the status of the load vehicle.

(75) On or about November 9, 2006, **ELIZONDO** informed **MARTINEZ** about potential police counter-surveillance during the drug load.

(76) On or about November 9, 2006, after the drug load successfully passed through Zapata County, the source paid **MARTINEZ** \$3,000.

(77) On or about November 9, 2006, **MARTINEZ** and **ELIZONDO** met and drove by **AMARO**'s residence.

All in violation of Title 18, United States Code, Section 1951.

COUNT TWO
Interference With Commerce Under Color of Official Right
18 U.S.C. §§ 1951 and 2

1. The Grand Jury adopts, realleges and incorporates herein the Introduction Section of this Indictment, the Manner and Means Section of Count 1, and Overt Acts 3-27 from Count 1.

2. From on or about June 7, 2006, through on or about July 5, 2006, in the Southern District of Texas and elsewhere within the jurisdiction of the Court,

MANUAL "MEME" MARTINEZ
and
JOSE ALBERTO AMARO,

defendants herein, each aided and abetted by the other and by others known and unknown to the Grand Jury, did knowingly and unlawfully attempt to obstruct, delay and affect interstate and foreign commerce and the movement of articles and commodities in interstate and foreign commerce by extortion, in that **MARTINEZ** and **AMARO** unlawfully obtained, under color of official right, five thousand dollars (\$5,000) not due them or **MARTINEZ**' or **AMARO**'s offices from a

person **MARTINEZ** and **AMARO** believed to be engaged in criminal conduct, including illegal drug trafficking, with that person's consent and in exchange for the performance and nonperformance of official acts by **MARTINEZ** and **AMARO**, namely, insuring the undetected passage of the purported drug traffickers and the unlawful transportation of their drug shipments through Zapata County by, among other things, not arresting or causing the arrest of the drug traffickers, and not seizing their shipments of marijuana.

All in violation of Title 18, United States Code, Sections 1951 and 2.

COUNT THREE
Interference With Commerce Under Color of Official Right
18 U.S.C. §§ 1951 and 2

1. The Grand Jury adopts, realleges and incorporates herein the Introduction Section of this Indictment, the Manner and Means Section of Count 1, and Overt Acts 28-49 from Count 1.
2. From on or about July 14, 2006, through on or about August 11, 2006, in the Southern District of Texas and elsewhere within the jurisdiction of the Court,

MANUAL “MEME” MARTINEZ
and
JOSE ALBERTO AMARO,

defendants herein, each aided and abetted by the other and by others known and unknown to the Grand Jury, did knowingly and unlawfully attempt to obstruct, delay and affect interstate and foreign commerce and the movement of articles and commodities in interstate and foreign commerce by extortion, in that **MARTINEZ** and **AMARO** unlawfully obtained, under color of official right, five thousand dollars (\$5,000) not due them or **MARTINEZ**’ or **AMARO**’s offices from a person **MARTINEZ** and **AMARO** believed to be engaged in criminal conduct, including illegal drug trafficking, with that person’s consent and in exchange for the performance and nonperformance of official acts by **MARTINEZ** and **AMARO**, namely, insuring the undetected passage of the purported drug traffickers and the unlawful transportation of their drug shipments through Zapata County by, among other things, not arresting or causing the arrest of the drug traffickers, and not seizing their shipments of marijuana.

All in violation of Title 18, United States Code, Sections 1951 and 2.

COUNT FOUR
Interference With Commerce Under Color of Official Right
18 U.S.C. §§ 1951 and 2

1. The Grand Jury adopts, realleges and incorporates herein the

Introduction Section of this Indictment, the Manner and Means Section of Count 1, and Overt Acts 50-63 from Count 1.

2. From on or about September 28, 2006, through on or about October 12, 2006, in the Southern District of Texas and elsewhere within the jurisdiction of the Court,

MANUAL “MEME” MARTINEZ
and
JOSE ALBERTO AMARO,

defendants herein, each aided and abetted by the other and by others known and unknown to the Grand Jury, did knowingly and unlawfully attempt to obstruct, delay and affect interstate and foreign commerce and the movement of articles and commodities in interstate and foreign commerce by extortion, in that **MARTINEZ** and **AMARO** unlawfully obtained, under color of official right, five thousand dollars (\$5,000) not due them or **MARTINEZ**’ or **AMARO**’s offices from a person **MARTINEZ** and **AMARO** believed to be engaged in criminal conduct, including illegal drug trafficking, with that person’s consent and in exchange for the performance and nonperformance of official acts by **MARTINEZ** and **AMARO**, namely, insuring the undetected passage of the purported drug traffickers and the unlawful transportation of their drug shipments through Zapata County by, among other things, not arresting or causing the arrest of the drug

traffickers, and not seizing their shipments of marijuana.

All in violation of Title 18, United States Code, Sections 1951 and 2.

COUNT FIVE
Interference With Commerce Under Color of Official Right
18 U.S.C. §§ 1951 and 2

1. The Grand Jury adopts, realleges and incorporates herein the Introduction Section of this Indictment, the Manner and Means Section of Count 1, and Overt Acts 64-77 from Count 1.

2. From on or about October 26, 2006, through on or about November 9, 2006, in the Southern District of Texas and elsewhere within the jurisdiction of the Court,

MANUAL “MEME” MARTINEZ,
JOSE ALBERTO AMARO,
and
RUBEN ELIZONDO,

defendants herein, each aided and abetted by the other and by others known and unknown to the Grand Jury, did knowingly and unlawfully attempt to obstruct, delay and affect interstate and foreign commerce and the movement of articles and commodities in interstate and foreign commerce by extortion, in that

MARTINEZ, AMARO, and ELIZONDO unlawfully obtained, under color of official right, five thousand five hundred dollars (\$5,500) not due them or

MARTINEZ’ or **AMARO**’s offices from a person **MARTINEZ, AMARO**, and **ELIZONDO** believed to be engaged in criminal conduct, including illegal drug trafficking, with that person’s consent and in exchange for the performance and nonperformance of official acts by **MARTINEZ** and **AMARO**, namely, insuring the undetected passage of the purported drug traffickers and the unlawful transportation of their drug shipments through Zapata County by, among other things, not arresting or causing the arrest of the drug traffickers, and not seizing their shipments of marijuana.

All in violation of Title 18, United States Code, Sections 1951 and 2.

COUNT SIX

**Conspiracy To Possess With Intent to Distribute a Controlled Substance
21 U.S.C. §§ 846, 841(a)(1), 841(b)(1)(A)(vii)**

1. The Grand Jury adopts, realleges and incorporates herein the Introduction Section of this Indictment, the Manner and Means Section of Count 1, and Overt Acts 3-77 from Count 1.

2. From on or about June, 2006, up to and including November 9, 2006, in the Southern District of Texas and elsewhere within the jurisdiction of the Court,

**MANUAL “MEME” MARTINEZ
JOSE ALBERTO AMARO,
and**

RUBEN ELIZONDO,

defendants herein, did unlawfully, knowingly and intentionally combine, conspire, confederate, and agree with each other, and with others known and unknown to the Grand Jury, to commit an offense defined in Title 21, United States Code, Section 841(a)(1), that is, to possess with intent to distribute marijuana, a controlled substance. This violation involved 4,000 pounds of a mixture and substance containing a detectable amount of marijuana, a Schedule I controlled substance.

All in violation of Title 21, United States Code, Sections 846, 841(a)(1) and 841(b)(1)(A)(vii).

COUNT SEVEN

**Possession With Intent to Distribute a Controlled Substance
21 U.S.C. §§ 841(a)(1), 841(b)(1)(B), 846, & 18 U.S.C. § 2**

1. The Grand Jury adopts, realleges and incorporates herein the Introduction Section of this Indictment, the Manner and Means Section of Count 1, and Overt Acts 3-27 from Count 1.

2. From on or about June 7, 2006, through on or about July 5, 2006, in the Southern District of Texas and elsewhere within the jurisdiction of the Court,

**MANUAL “MEME” MARTINEZ
and
JOSE ALBERTO AMARO,**

defendants herein, did unlawfully and knowingly attempt to aid, abet and assist in

the possession of a controlled substance with intent to distribute. This violation involved one thousand (1,000) pounds of a mixture and substance containing a detectable amount of marijuana, a Schedule I controlled substance.

All in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B), and 846; and Title 18, United States Code, Section 2.

COUNT EIGHT

**Possession with Intent to Distribute a Controlled Substance
21 U.S.C. §§ 841(a)(1), 841(b)(1)(B), 846, & 18 U.S.C. § 2**

1. The Grand Jury adopts, realleges and incorporates herein the Introduction Section of this Indictment, the Manner and Means Section of Count 1, and Overt Acts 28-49 from Count 1.

2. From on or about July 14, 2006, through on or about August 11, 2006, in the Southern District of Texas and elsewhere within the jurisdiction of the Court,

**MANUAL “MEME” MARTINEZ
and
JOSE ALBERTO AMARO,**

defendants herein, did unlawfully and knowingly attempt to aid, abet and assist in the possession of a controlled substance with intent to distribute. This violation involved one thousand (1,000) pounds of a mixture and substance containing a

detectable amount of marijuana, a Schedule I controlled substance.

All in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B), and 846; and Title 18, United States Code, Section 2.

COUNT NINE

**Possession with Intent to Distribute a Controlled Substance
21 U.S.C. §§ 841(a)(1), 841(b)(1)(B), 846, & 18 U.S.C. § 2**

1. The Grand Jury adopts, realleges and incorporates herein the Introduction Section of this Indictment, the Manner and Means Section of Count 1, and Overt Acts 50-63 from Count 1.

2. From on or about September 28, 2006, through on or about October 12, 2006, in the Southern District of Texas and elsewhere within the jurisdiction of the Court,

MANUAL “MEME” MARTINEZ

and

JOSE ALBERTO AMARO,

defendants herein, did unlawfully and knowingly attempt to aid, abet and assist in the possession of a controlled substance with intent to distribute. This violation involved one thousand (1,000) pounds of a mixture and substance containing a detectable amount of marijuana, a Schedule I controlled substance.

All in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B), and 846; and Title 18, United States Code, Section 2.

COUNT TEN
Possession with Intent to Distribute a Controlled Substance
21 U.S.C. §§ 841(a)(1), 841(b)(1)(B), 846, & 18 U.S.C. § 2

1. The Grand Jury adopts, realleges and incorporates herein the Introduction Section of this Indictment, the Manner and Means Section of Count 1, and Overt Acts 64-77 from Count 1.

2. From on or about October 26, 2006, through on or about November 9, 2006, in the Southern District of Texas and elsewhere within the jurisdiction of the Court,

MANUAL “MEME” MARTINEZ,
JOSE ALBERTO AMARO,
and
RUBEN ELIZONDO,

defendants herein, did unlawfully and knowingly attempt to aid, abet and assist in the possession of a controlled substance with intent to distribute. This violation involved one thousand (1,000) pounds of a mixture and substance containing a detectable amount of marijuana, a Schedule I controlled substance.

All in violation of Title 21, United States Code, Sections 841(a)(1) and 841(b)(1)(B), and 846; and Title 18, United States Code, Section 2.

**NOTICE OF CRIMINAL FORFEITURE
(18 U.S.C. § 981/28 U.S.C. §2461)**

Pursuant to Title 28, United States Code, Section 2461(c), and Title 18, United States Code, Section 981(a)(1)(c), for the offenses charged in Counts 1-5 of the indictment, the defendants-

**MANUEL “MEME” MARTINEZ (Counts 1-5)
JOSE ALBERTO AMARO (Counts 1-5)
and
RUBEN ELIZONDO (Count 1, 5)**

are provided notice of the United States intent to forfeit all property which constitutes or is derived from proceeds traceable to a violation of Title 18, United States Code, Section 1951, including, but not limited to, the following property:

Approximately \$ 20,500 in United States dollars.

**NOTICE OF CRIMINAL FORFEITURE
(21 U.S.C. § 853)**

Pursuant to Title 21, United States Code, Section 853, for the offenses charged in Counts 6-10 of the indictment, the defendants-

**MANUEL “MEME” MARTINEZ (Counts 6-10)
JOSE ALBERTO AMARO (Counts 6-10)
and
RUBEN ELIZONDO (Counts 6, 10)**

are provided notice of the United States intent to forfeit the following property-

(1) any property constituting, or derived from, any proceeds obtained, directly or indirectly, as the result of such violation; and

(2) any property used or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such violation.

The property subject to forfeiture includes, but is not limited to, the following property:

Approximately \$20,500 in United States dollars.

The defendants may be jointly and severally liable for the forfeiture obligations as alleged in this notice.


SUBSTITUTE ASSETS

In the event that any property that is subject to forfeiture, as a result of any act or omission of the defendants-

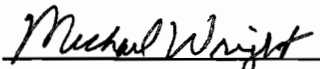
- a. cannot be located upon exercise of due diligence;
- b. has been placed beyond the jurisdiction of the Court;
- c. has been transferred or sold to, or deposited with a third party;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty;

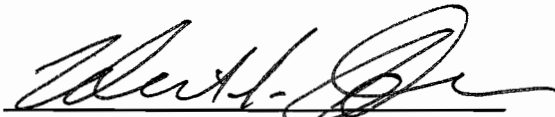
it is the intent of the United States to seek forfeiture of any other property of the defendants up to the value of such property, pursuant to Title 28, United States Code, Section 2461, and Title 21, United States Code, Section 853(p).

A TRUE BILL:


FOREPERSON OF THE GRAND JURY

DONALD J. DeGABRIELLE, JR.
United States Attorney


MICHAEL WRIGHT
Assistant United States Attorney


ROBERT S. JOHNSON
Assistant United States Attorney